

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

R.A. No. 181 of 1997
in
O.A. No. 2781 of 1991

(32)
New Delhi, dated this the 9 March 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

1. D.N. Sharma
2. N.K. Gupta
3. Gajraj Singh
4. R.K. Sharma
5. Megh Singh
6. Vijay Pal Singh
7. Amrit Singh
8. Jagat Singh
9. Ramesh Chand

... REVIEW APPLICANTS

VERSUS

1. Union of India through
the Secretary,
Ministry of Personnel, Public Grievances
& Pensions,
Dept. of Personnel & Training,
New Delhi.
2. Central Bureau of Investigation,
through the Director,
Block No.3,
CGO Complex,
Lodi Road,
New Delhi-110003.

... RESPONDENTS

ORDER (By Circulation)

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

We have perused the grounds taken in
R.A.

2. In so far as ground 3(a) is concerned, M.A. No.4113/92 by which a copy of respondents' order dated 26.2.92 was annexed did not contain any prayer for quashing of the aforesaid order. M.A. No. 4113/92 contained a prayer for early hearing and the same was dismissed in limine by order dated 1.1.93 without any notice being given to respondents to file reply to the same. When

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no notice was given to them to reply, the question of their rebutting/disputing the same does not arise.

3. In so far as Ground 3(b) is concerned, the Note Below Item 9 of the Recruitment Rules of Head Constables/CBI amended upto 25.7.80 lays down that persons holding posts of constables in SPE/CBI on deputation would not be eligible for promotion under 60% promotion quota but would be considered for appointment under 40% deputation/transfer quota. Para 8 of our impugned judgment dated 30.6.97, merely observed that a deputationist who had cleared the qualifying exam. and had become absorbed in CBI was no longer a deputationist and there was no bar to his being promoted as Head Constable. We see no conflict between the aforesaid Note and Para 8.

4. In so far as ground 3(c) is concerned, manifestly when the exam. was only a qualifying one, the question of requiring the candidates to qualify again and again does not arise. Para 4 of Respondents letter dated 12.4.78 also made it clear that once a candidate cleared the qualifying test, he would not be required to sit at the test once again, and his name would automatically be considered when the next panel was drawn up. Nothing in the impugned judgment goes against this position.

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5. Ground 3(d) has been adequately discussed in Para 8 of the judgment.

6. As regards Ground 3(e) it has not been stated as to which particular Supreme Court ruling cited by applicant's counsel was not discussed in the judgment. In this connection it is well settled that only relevant rulings need be discussed in any judgment and a judgment is not to be reviewed merely because a particular ruling not directly relevant to the facts and circumstances of a particular case are not discussed.

7. For the O.A. to have succeeded the onus was on applicants to establish that in their own quota they had been illegally, arbitrarily and discriminately superceded by their juniors for promotion as H.C. Neither in the O.A. nor indeed in the R.A. have applicants been able to discharge this onus.

8. As regards opening of sealed cover containing the results of the 1992-93 Exam. held for ASI's post, and applicants being given credit of three years service as ASI for regular promotion as ASI during hearing respondents' counsel had expressed certain difficulties in this regard. This was not one of the reliefs prayed for in the O.A. Nevertheless liberty had been granted to applicants to make a representation to respondents in this regard, which respondents

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were directed by impugned judgment, to examine and dispose of in accordance with rules/instructions.

8. Under the circumstances we find that none of the grounds taken by the review applicants in the R.A. bring it within the scope and ambit of Section 22(3)(f) A.T. Act read with Order 47 Rule 1 C.P.C. under which alone any order/judgment/decision of the Tribunal can be reviewed.

9. In fact in the guise of an R.A. it is being attempted to reargue the entire matter which is not permissible in law, as has been held by the Hon'ble Supreme Court in a catena of judgments, including the decision in A.T.Sharma Vs. A.P. Sharma (AIR 1979 SC 1047).

10. The Review Applicants have made a prayer for permission to make oral submissions. However, in the light of what has been stated above, we see no valid reasons to depart from Rule 17(3) CAT (Procedure) Rules, 1987 which provides for disposal of Review Application by circulation.

11. The R.A. is rejected.

A. Vedavalli

(DR. A. VEDAVALLI)
Member (J)
/GK/

S.R. Adige
(S.R. ADIGE)
Vice Chairman (A)